IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17039 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HASMUKHBHAI MAGANBHAI HARIJAN

Versus

MUNICIPAL COMMISSIONER V M C

Appearance:

1. Special Civil Application No. 17039 of 2004

MR RD RAVAL for Petitioner No. 1-2

..... for Respondent No. 1,3

MR PG DESAI for Respondent No. 2

MR KL PANDYA AGP for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 01/03/2005

ORAL JUDGEMENT

1. Rule. Present petition is filed for making reference process before Labour Court by the respondent no.4 for all the industrial disputes raised by the petitioners before the respondent No.4. Though there is existence of the industrial disputes, because of inaction on the part of the respondent no.1 and its officers, there is delay for making reference to the labour court by the respondent No.4.

2. Learned advocate for the petitioners submitted that the respondents No. 1 to 3 are likely to change the conditions of service of the petitioners. This act of the respondents affects not only the industrial dispute but other vital rights vested in the workmen petitioners and therefore suitable directions may kindly be given to the respondent No. 4 for making reference to the concerned labour court under the Industrial Disputes Act, 1947 (hereinafter referred to as "the I.D. Act")

3. Learned advocate for the respondents submitted that the respondent No.1 to 3 had remained present before the respondent No. 4 for reconciliation and since it is not possible, the respondent No. 4 may kindly be given direction to decide making reference process about the dispute raised by the petitioners.

4. Learned A.G.P. for the respondent submitted that if the suitable directions are given to the respondent No.4 to decide afresh making reference process within stipulated time, he has no objection.

5. Having heard the learned advocates for the parties and looking to the facts and circumstances of the case as well as the dispute raised by the petitioners coupled with the fact that the concerned officers. i.e. the respondents No. 1 to 3 have remained present before the respondent no. 4, I hereby direct the respondent No.4 to take a decision finally about process of making reference to the court concerned within a period of three weeks from the date of receipt of writ of this Court. Rule is made absolute to the aforesaid extent.

(D.N. Patel, J.)

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